

PHILLIP A. TALBERT  
United States Attorney  
KIMBERLY A. SANCHEZ  
Assistant United States Attorney  
2500 Tulare Street, Suite 4401  
Fresno, CA 93721  
Telephone: (559) 497-4000  
Facsimile: (559) 497-4099

Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MANUEL YANES and  
JORGE LUIS YANES,  
  
Defendants.

CASE NO. 1:22-CR-00307-JLT-SKO

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER

CURRENT DATE: May 31, 2023  
TIME: 1:00 p.m.  
COURT: Hon. Sheila K. Oberto

**STIPULATION**

1. By previous order, this matter was set for status on May 31, 2023.
2. By this stipulation, defendants now move to continue the status conference until October 4, 2023, and to exclude time between May 31, 2023, and October 4, 2023, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. While the parties anticipate that the case may resolve without a trial, this is not yet a certainty. If defendants ultimately do not enter guilty pleas and decide to proceed to trial, the parties agree and stipulate, and request that the Court find the following:
  - a) The government asserts the discovery associated with this case includes reports, photographs, and recordings. Initial discovery has been provided to all counsel. Although this

1 federal case was not the product of a wiretap investigation, the government has agreed to provide  
2 discovery from a state wiretap investigation of these two defendants. The government provided  
3 additional discovery since the last status conference was set. The government is aware of its  
4 ongoing discovery obligations.

5 b) The government is amendable to providing plea offers to defendants if requested.

6 c) Counsel for all defendants desire additional time to consult with their clients, to  
7 review the current charges, to conduct investigation and research related to the charges, to review  
8 and/or copy discovery for this matter, to discuss potential resolutions with their clients, to  
9 prepare pretrial motions, and to otherwise prepare for trial. Additionally, in order to maintain  
10 continuity of counsel, October 4, 2023 was the first available date on the Court's schedule on  
11 which defense counsel could both be available due in part to other obligations/ pre-planned  
12 absences.

13 d) Counsel for defendants believe that failure to grant the above-requested  
14 continuance would deny them the reasonable time necessary for effective preparation, taking into  
15 account the exercise of due diligence.

16 e) The government does not object to the continuance.

17 f) Based on the above-stated findings, the ends of justice served by continuing the  
18 case as requested outweigh the interest of the public and the defendants in a trial within the  
19 original date prescribed by the Speedy Trial Act.

20 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
21 et seq., within which trial must commence, the time period of May 31, 2023, to October 4, 2023,  
22 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4],  
23 because it results from a continuance granted by the Court at defendants' request on the basis of  
24 the Court's finding that the ends of justice served by taking such action outweigh the best interest  
25 of the public and the defendant in a speedy trial.

26 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the

27 ///

28 ///

1 Trial Act dictate that additional time periods are excludable from the period within which a trial must  
2 commence.

3 IT IS SO STIPULATED.

4  
5 DATED: May 24 , 2023

PHILLIP A. TALBERT  
United States Attorney

6 By: /s/ Kimberly A. Sanchez  
7 KIMBERLY A. SANCHEZ  
8 Assistant U.S. Attorney

9 DATED: May 24, 2023

By: /s/ Darryl Young  
10 DARRYL YOUNG  
11 Attorney for Defendant  
12 MANUEL YANES

13 DATED: May 24, 2023

By: /s/ Galatea DeLapp  
14 GALATEA DELAPP  
15 Attorney for Defendant  
16 JORGE LUIS YANES

17 **ORDER**

18 IT IS SO ORDERED.

19  
20 DATED: 5/24/2023

Sheila K. Oberto  
21 HON. SHEILA K. OBERTO  
22 UNITED STATES MAGISTRATE JUDGE  
23  
24  
25  
26  
27  
28